

## MINUTES OF COUNCIL

A regular session of Troy City Council was held Monday, April 18, 2016, at 7:00 p.m. in Council Chambers.

Members Present: Heath, Kendall, Oda, Phillips, Snee, Terwilliger, Tremblay and Twiss.

Upon motion of Mr. Kendall, seconded by Mr. Tremblay, Mr. Schweser was excused from this meeting by unanimous roll call vote.

Presiding Officer:	Martha A. Baker,	President of Council
Others Present:	Michael L. Beamish,	Mayor
	Patrick E. J. Titterington,	Director of Public Service and Safety
	Grant D. Kerber,	Director of Law
	John E. Frigge,	Auditor

### PUBLIC HEARINGS:

1. At 7:02 p.m., Mrs. Baker declared open a public hearing on Ordinance No. O-20-2016, zoning of Trader Annexation, Inlots 10578 & 10579, from County zoning of A-2, General Agriculture to City zoning A, Agricultural District.  
There were no comments in this regard, and at 7:03 p.m., Mrs. Baker declared this public hearing closed.
2. At 7:03 p.m., Mrs. Baker declared open a public hearing on Ordinance No. O-21-2016, Zoning of Cheney Annexation, Inlot 10574, from County zoning of R-1AAA, Single-Family, to City zoning of M-2, Light Industrial District.  
There were no comments in this regard, and at 7:04 p.m., Mrs. Baker declared this public hearing closed.
3. At 7:05 p.m., Mrs. Baker declared open a public hearing on Ordinance No. O-22-2016, rezoning of IL 9678 from M-2, Light Industrial District, and B-2, General Business District, to the single zoning of B-2, General Business District.  
There were no comments in this regard, and at 7:05 p.m., Mrs. Baker declared this public hearing closed.

MINUTES: The Clerk gave a summary of the minutes of the April 4, 2016 meeting of Troy City Council. There were no corrections or additions to these minutes. A motion was made by Mr. Tremblay, seconded by Mr. Phillips, to approve these minutes. Motion passed by unanimous roll call vote.

### COMMITTEE REPORTS:

Community and Economic Development Committee: Mr. Twiss, Chairman, reported as follows:

- 1) Committee recommends legislation be prepared to transfer part of OL 91 (land behind Lincoln Community Center) to the Troy City School District Board of Education.
- 2) Committee recommends legislation be prepared authorizing the Director of Public Service and Safety advertise for bids and enter into a Cash Farm Lease Agreement for approximately 69 acres located north of Duke Park.

Reports signed by Kendall, Schweser and Twiss.

Personnel: Mr. Terwilliger commented that the Mayor has asked for approval of two appointments to the City Beautification Committee. A motion was made by Mr. Terwilliger, seconded by Mrs. Snee, to approve the appointments of Phyllis Dawkins and Mary Davis to the City Beautification Committee for terms commencing immediately and ending July of 2017. Motion passed by unanimous vote.

Recreation and Parks Committee: Mr. Heath, Chairman, reported that Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to execute the Treasure Island Non-Ticketed Use Agreements for concert events to be held June 25, July 9 and July 23 at Treasure Island Park, noting that as all three events will include the sale of alcoholic beverages, such agreements require approval of Council.  
Report signed by Oda, Tremblay and Heath.

Streets and Sidewalks Committee: Mr. Phillips, Chairman, reported that Committee recommends legislation be prepared to authorize the consent legislation provide by the Ohio Department of Transportation (ODOT) to include a small portion of SR 718 in a paving program at no cost to the City. Based on the ODOT format, Committee supports emergency legislation.  
Report signed by Snee and Phillips.

CITIZEN COMMENTS: Lester Conard, 1210 S. Clay Street, asked why the legislation regarding the Treasure Island events was emergency. Mr. Titterington advised that was to allow for the time needed to apply for the temporary liquor permits and work out the other details regarding the concerts.

## RESOLUTION NO. R-18-2016

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ADVERTISE FOR BIDS FOR A FARM LEASE AGREEMENT FOR LAND LOCATED NORTH OF THE PAUL G. DUKE PARK

This Resolution was given first title reading.

Discussion: In response to Mrs. Oda, Mr. Titterington advised that about 69 acres would be farmed.

Mr. Kendall moved for suspension of rules requiring three readings. Motion seconded by Mr. Twiss.

Yes: Snee, Kendall, Phillips, Terwilliger, Oda, Tremblay, Heath and Twiss.

No: None.

Mr. Phillips moved for adoption. Motion seconded by Mr. Kendall.

Yes: Kendall, Phillips, Terwilliger, Oda, Tremblay, Heath, Twiss and Snee.

No: None.

RESOLUTION ADOPTED

## RESOLUTION NO. R-19-2016

A RESOLUTION AUTHORIZING CONSENT AND COOPERATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF STATE ROUTE 718 WITHIN THE RIGHT-OF-WAY OF THE CITY OF TROY, OHIO IN FY 2017 AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

Mr. Phillips moved for suspension of rules requiring three readings. Motion seconded by Mr. Tremblay.

Yes: Phillips, Terwilliger, Oda, Tremblay, Heath, Twiss, Snee and Kendall.

No: None.

Mr. Kendall moved for adoption. Motion seconded by Mr. Heath.

Yes: Terwilliger, Oda, Tremblay, Heath, Twiss, Snee, Kendall and Phillips.

No: None.

RESOLUTION ADOPTED

## ORDINANCE NO. O-20-2016

ORDINANCE CHANGING THE ZONING OF INLOTS 10578 AND 10579 IN THE CITY OF TROY, OHIO FROM THE MIAMI COUNTY ZONING OF A-2, GENERAL AGRICULTURE, TO THE CITY OF TROY ZONING OF A, AGRICULTURAL DISTRICT

This Ordinance was given first title reading on April 4, 2016.

Given Public Hearing and second title reading.

## ORDINANCE NO. O-21-2016

ORDINANCE CHANGING THE ZONING OF INLOT 10574 IN THE CITY OF TROY, OHIO, FROM THE MIAMI COUNTY ZONING OF R-1AAA, SINGLE-FAMILY, TO THE CITY OF TROY ZONING OF M-2, LIGHT INDUSTRIAL DISTRICT

This Ordinance was given first title reading on April 4, 2016.

Given Public Hearing and second title reading.

## ORDINANCE NO. O-22-2016

ORDINANCE CHANGING THE ZONING OF INLOT 9678 (PARCEL NO. D08-105060) IN THE CITY OF TROY, OHIO FROM THE DUAL ZONING OF M-2, LIGHT INDUSTRIAL DISTRICT AND B-2, GENERAL BUSINESS DISTRICT TO THE SINGLE ZONING OF B-2, GENERAL BUSINESS DISTRICT

This Ordinance was given first title reading on April 4, 2016.

Given Public Hearing and second title reading.

## ORDINANCE NO. O-24-2016

ORDINANCE AUTHORIZING THE TRANSFER OF THE OWNERSHIP OF PART OF OUTLOT 91 TO THE TROY CITY SCHOOL DISTRICT BOARD OF EDUCATION

This Ordinance was given first title reading.

Mr. Heath moved for suspension of rules requiring three readings. Motion seconded by Mr. Twiss.

Yes: Oda, Tremblay, Heath, Twiss, Snee, Kendall, Phillips and Terwilliger.

No: None.

Mr. Phillips moved for adoption. Motion seconded by Mr. Twiss.

Yes: Tremblay, Heath, Twiss, Snee, Kendall, Phillips, Terwilliger and Oda.

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-25-2016

ORDINANCE AMENDING ORDINANCE NO. O-42-2015, APPROPRIATING FUNDS NECESSARY FOR THE VARIOUS DEPARTMENTS AND OFFICES OF THE CITY OF TROY, OHIO

This Ordinance was given first title reading.

Mr. Tremblay moved for suspension of rules requiring three readings. Motion seconded by Mr. Heath.

Yes: Heath, Twiss, Snee, Kendall, Phillips, Terwilliger, Oda and Tremblay.

No: None.

Mr. Phillips moved for adoption. Motion seconded by Mr. Twiss.

Yes: Twiss, Snee, Kendall, Phillips, Terwilliger, Oda, Tremblay and Heath.

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-26-2016

ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO EXECUTE TRESURE ISLAND NON-TICKETED USE AGREEMENTS FOR 2016 EVENTS AT TREASURE ISLAND PARK AND DECLARING AN EMERGENCY

This Ordinance was given first title reading.

Mr. Phillips moved for suspension of rules requiring three readings. Motion seconded by Mr. Kendall.

Yes: Snee, Kendall, Phillips, Terwilliger, Oda, Tremblay, Heath and Twiss.

No: None.

Mr. Phillips moved for adoption. Motion seconded by Mr. Kendall.

Yes: Kendall, Phillips, Terwilliger, Oda, Tremblay, Heath, Twiss and Snee.

No: None.

ORDINANCE ADOPTED

COMMENTS OF MAYOR BEAMISH: Mayor Beamish thanked Council for the appointments to the City Beautification Committee.

COMMENTS OF PRESIDENT OF COUNCIL: Mrs. Baker congratulated Fire Department secretary Kim Rohr on her retirement.

AUDIENCE COMMENTS:

Regarding a mountain bike trail:

-James Thompson, 209 Nottingham Lane, spoke regarding a mountain bike trail that is being established within cemetery property, adjacent to his property. He commented that considerable work has been done and he feels the committee involved in the project have overstepped their bounds, especially as he understood the project was on hold.

-Mayor Beamish commented that he believes the ad hoc committee is interested in promoting cycling options to appeal to all ages and to assist the City in maintaining, and even improving, the Bicycle Friendly Community status. He noted that issue of access to the trail still has to be resolved.

-Mr. Titterington advised that he had walked the site, the work that had been done had respected the area, he noted that trees that had just fallen across old paths had been cleared away, and the City is still waiting for the resolution to ingress and egress to the site.

-Jill Weaver, 618 Orchard Drive, objected to the mountain bike trail, commenting that the neighboring property owners need to have their properties protected, and she wanted to know the plans to develop an additional trail on the property.

-Mrs. Baker and Mr. Titterington advised that there is no schedule at this time as any other trail development is on hold until access issues have been resolved. Mrs. Baker commented that this is an administrative decision, not a Council decision.

-Tony O'Neal, 249 Riverside Drive, stated his objection to the work that has been done on the trail and how much has been cleared, the closeness of the work to his property, and that there was no notice to or communication with the neighbors. He said he had been told the City would not invest funds in the trail development, but believes that any work at all by the City at the site has a cost.

-Wade Westfall, 2570 Troy-Sidney Road, stated his support of the trail, that he enjoys not having to drive to another community for mountain bike trail riding, and believes it will bring people into Troy who spend money while here and support the economy,

-Mike Treon, 413 Bear Run, Piqua, stated he uses the trail and supports the further development of it. He commented that Piqua had a similar issue, but once the facility was built, it has turned out to be an asset to the community.

-Craig Carroll, 2221 Blazing Star Drive, Tipp City, stated he uses the trail and supports the further development of it, the riders are respectful people, and he believes the more it is used by respectful bikers will serve to keep riffraff and drug users out.

Other:

-Lester Conard 1210 S. Clay Street, commented that he believes other park areas need to be maintained, that the City cares about money and not citizens, the police should concentrate on handling drug activity and not sending letters to a 97 year old resident about a flat tire.

-Nancy Kesley, 1183 Edison Avenue, asked about plans for mosquito fogging, stating her concerns with diseases spread by mosquitos, and that the City consider fogging the entire City. Mr. Titterington commented that the City has been doing limited fogging and would continue that. It was also noted that some citizens are concerned with the chemicals used to fog.

EXECUTIVE SESSION: A motion was made by Mr. Kendall, seconded by Mrs. Snee, to recess into executive session for discussion of preparing for, conducting or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment.

Motion passed, unanimous roll call vote.

At 8:19 p.m. Council recessed into Executive session.

A motion was made by Mr. Kendall, seconded by Mr. Phillips, to return to regular session.

Motion passed by unanimous roll call vote.

At 8:31 p.m. Council returned to regular session and, there being no further business, adjourned.

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Clerk of Council

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President of Council